

U.S. Application Serial No. 10/749,321

R E M A R K S

The present amendment is in response to the Official Action dated December 29, 2005, wherein the Examiner rejected pending claims 1-23. More specifically, the Examiner rejected claims 1, 6, 7, 10, 11, 15, 16 and 19-22 as being anticipated by Raverdy et al., US Patent No. 6,957,217; claims 2-5, 13, 14 and 23 as being unpatentable over Raverdy et al., '217, in view of Wade et al., US Patent No. 5,552,776; claims 8, 9, 17 and 18 as being unpatentable over Raverdy et al., '217, in view of Fushiki et al., US Patent No. 6,433,704; and claim 12 as being unpatentable over Raverdy et al., '217, in view of Kruse et al., US Patent No. 6,684,279. However, contrary to the assertions of the Examiner, the claims are neither anticipated nor made obvious in view of the teachings of the references, either alone, or in combination, in so far as the references fail to make known or obvious each and every feature of the claims. Most notably, the combination of references cited by the Examiner and relied upon in support of the rejection, fail to make known or obvious presence information, as the same would be understood by one skilled in the art, or as more specifically provided for in the claims "user presence attribute information".

As noted in the background section of the present application, presence attributes are presently used as a way to define, manage and convey a user's relationship relative to a communication network. The presence information generally takes the form of presence states, which can be conveyed to identify a particular user's current (communication) situation or status. The references, which are being relied upon by the examiner in support of the rejections, are silent as to the feature "presence", in the context of "user presence attribute information", in a manner which could be said to be consistent with the claims.

In formulating the rejection, the Examiner has appeared to have attempted to gloss over this particular aspect, when the examiner suggested that "user information", as taught and described by the reference, could be read on "user presence attribute information" without showing how the user information disclosed in the reference relates to "user presence attribute information" as provided in the claims. Still further when one reviews the primary cited reference, and attempts to map the teachings relative to the other portions of the claims, it would appear that the examiner might be attempting to equate the "event content information", which is selectively provided, with some of the claimed aspects associated with the "user presence attribute information". However the applicant finds an insufficient parallel between the two,

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such that there could be any assertion that there has been a sufficient showing that the reference provides for each and every feature in a manner which is consistent with their usage in the claimed context. In essence, "event content information" is not the same as "user presence attribute information". Furthermore the access right as provided by Raverdy et al., '217, is associated with the "event content information" and not the alleged equivalent "user information". Consequently, the teaching fails to make known each and every feature of the claims, in a manner which is consistent with the claimed context.

A review of each and every reference relied upon by the Examiner in support of any of the rejections has failed to provide for any teaching relative to "user presence attribute information". Consequently, the rejection of the claims as presently articulated fails to make known or obvious each and every feature of the claims.

In responding to the present Office Action, the applicant has taken the opportunity to amend the claims in a manner which attempts to make the same more clear by providing a more consistent usage of terms, and provide a clearer linkage to their corresponding antecedent basis. The amendments are not intended to alter the scope of the claims, nor were they necessitated for purposes in overcoming the art rejections.

In view of the above remarks, the applicant would respectfully request that the Examiner reconsider the rejection of the claims. As presently amended, the claims are believed to be in condition for allowance. Consequently, reexamination and reconsideration of the claims, as well as allowance of the application is respectfully requested.

Respectfully submitted,

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